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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,479	09/30/2003	Dhirendra Pandey	5681-71800	6011
58467 MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767	7590 10/26/2009		EXAMINER WALERIC CHARLES	
			ART UNIT 2195	PAPER NUMBER
			NOTIFICATION DATE 10/26/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/675,479

Applicant(s)

PANDEY ET AL.

Examiner

ERIC C. WAI

Art Unit

2195

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 1-10, and 12-21 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-6, 10, 12, 16-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (US PG Pub No. US 2003/0014469 A1).

3. Regarding claim 1, Ramaswamy teaches a system, comprising:

one or more host machines configured to implement a plurality of instances of an application server ([0005] and [0011], wherein multiple servers host objects; [0002], wherein an object is a software module, i.e. application);

one or more client computer machines each configured to implement one or more clients of the application server ([0011]), wherein each client on the respective one of the one or more client machines is configured to:

create a client-side Object Request Brokers (ORBs), wherein the client-side ORB is coupled to a server-side ORB of a different one of the plurality of application server instances ([0048], wherein the clients initialize distributors; [0047], wherein clients run in

the same process as the distributors; [0043], wherein client and distributors utilize ORB);

select one of the plurality of server-side ORBs on the client machine according to a load balancing scheme in response to a request to access the application server ([0031], wherein distributors distribute the function calls across multiple objects); and

access a particular one of the plurality of application server instances via the selected client-side ORB coupled to a server-side ORB of the particular application server instance ([0051]).

4. Ramaswamy does not teach a plurality of client-side ORBs wherein each of the client-side ORB is coupled to a server-side ORB. However, it is old and well known in the art to utilize the concept of redundancy. In Ramaswamy, a single ORB is used to connect to the server-side ORB. However, it would have been obvious to one of ordinary skill in the art to modify Ramaswamy to create multiple ORBs on the client side. One would be motivated by the desire to have redundant ORBs on the client-side to allow access the server in the case that a single client-side ORB fails.

5. Regarding claim 5, Ramaswamy teaches that each client is further configured to: select a different one of the plurality of server-side ORBs on the client machine according to the load balancing scheme in response to another request to access the application server ([0051]); and

access a different one of the plurality of application server instances using the client-side ORB coupled to a server-side ORB of the different application server instance ([0051]).

6. Ramaswamy does not teach a plurality of client-side ORBs wherein each of the client-side ORB is coupled to a server-side ORB. However, it is old and well known in the art to utilize the concept of redundancy. In Ramaswamy, a single ORB is used to connect to the server-side ORB. However, it would have been obvious to one of ordinary skill in the art to modify Ramaswamy to create multiple ORBs on the client side. One would be motivated by the desire to have redundant ORBs on the client-side to allow access the server in the case that a single client-side ORB fails.

7. Regarding claims 6 and 10, they are rejected for the same reasons as claims 1 and 5 above.

8. Regarding claims 12, 16, 17, and 21, they are the method and computer accessible medium claims of claims 1 and 5 above. Therefore, they are rejected for the same reasons as claims 1 and 5 above.

9. Claims 2-4, 7-9, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (US PG Pub No. US 2003/0014469 A1) in view of Applicant's Admitted Prior Art (AAPA).

10. Regarding claim 2, Ramaswamy does not teach that the access of a particular one of the plurality of application server instances via the selected client-side ORB is performed according to RMI-IIOP.

11. AAPA teaches that RMI allows objects on different computers to interact in a distributed network (pg 1 lines 10-13). AAPA also teaches that IIOP is a protocol that allows distributed programs written in different programming languages to communicate over the Internet (pg 2 lines 5-7).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ramaswamy to use RMI-IIOP. One would be motivated by the desire to apply the teachings of Ramaswamy to distributed computed where the different computing nodes operate on different programming languages as indicated by Ramaswamy.

13. Regarding claims 3-4, Ramaswamy does not teach that the creation of a plurality of client-side ORBs and said selection of one of the plurality of client-side ORBs according to a load balancing scheme are performed by a Context Factory class, wherein the Context Factory class is a JNDI Factory Class.

14. AAPA teaches using JNDI to provide naming and directory functionality to applications written in the Java programming language (pg 2 lines 26-27).

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ramaswamy by including the use of JNDI. One would be motivated

by the desire to access a variety of services (new, emerging, already deployed) in a common way as indicated by AAPA (pg 2 lines 29-30).

16. Regarding claims 7-9, they are rejected for the same reasons as claims 2-4 above.

17. Regarding claims 13-15, and 18-20, they are the method and computer accessible medium claims of claims 2-4 above. Therefore, they are rejected for the same reasons as claims 2-4 above.

Response to Arguments

18. Applicant's arguments filed 06/23/2009 have been fully considered but they are not persuasive.

19. Regarding claim 1, Applicant argues on pg 9 of Remarks:

"However, Applicants' claim 1 does not simply recite, "wherein each client-side ORB is coupled to a server-side ORB." Instead, Applicants' claim 1 recites that each of the plurality of client-side ORBs is coupled to a server-side ORB of a different one of a plurality of application server instances."

20. Applicant's claim 1 can be interpreted to allow that each of the client-side ORBs is connected to each of the different server-side ORBs, i.e. all client-side ORBs are

connected to all server-side ORBs. In Ramaswamy, the client-side ORB is connected to each of the different server-side ORBs. Therefore, modifying Ramaswamy to include multiple client-side ORBs would result in a system where the plurality of client-side ORBs is each connected to a different one of the server-side ORBs as in claim 1.

21. Regarding claim 1, Applicant argues on pgs 9-10 of Remarks:

"Claim 1 further recites that the client is configured to select one of the plurality of client-side ORBs on the client machine according to a load balancing scheme in response to a request to access the application server, and access a particular one of the plurality of application server instances via the selected client-side ORB coupled to a server-side ORB of the particular application server instance. Thus, the plurality of client-side ORBs as recited in claim 1 are not "redundant ORBs on the client side" to "allow access to the server in the case that a single client-side ORB fails." Instead claim 1 recites a plurality of client-side ORBs, each coupled to a different application server instance, from which the client selects a particular client-side ORB according to a load balancing scheme. Contrary to the Examiner's contention, simply modifying Ramaswamy by creating "redundant" client-side ORBs would not result in what is recited in Applicants' claim 1."

22. Examiner disagrees. The claim language is unclear as to which of the application server instances access is sought. Therefore, the proposed modification of Ramaswamy to create redundant client-side ORBs each connected to each instance of the application server through a server-side ORB, would result in a system of selecting

one of the client-side ORBs, any of which can access a particular application server instance. Therefore, the proposed modification reads upon claim 1.

23. Regarding claim 5, Applicant argues:

"In regard to claim 5, contrary to the Examiner's assertion, the cited art does not teach or suggest at least the limitations of, "wherein each client on a respective one of the one or more client machines is further configured to select a different one of the plurality of client-side ORBs on the client machine according to the load balancing scheme in response to another request to access the application server and access a different one of the plurality of application server instances using the different client-side ORB coupled to a server-side ORB of the different application server instance"

24. Examiner disagrees. Ramaswamy teaches the use of a distributor which is used to distribute requests across objects 270, 272, 274, and 276 ([0051] and Fig 4). From Fig 4, it is clear that the objects must be accessed using ORB 246 and 256. Therefore, it is inherent that Ramaswamy must select and access a different server-side ORB to access one of the plurality of application server instances. As argued in the rejection of claim 5, it would have been obvious to one of ordinary skill in the art to include multiple client-side ORBs to access the server-side ORBs. Therefore, the step of selected a client-side ORB to access one of the plurality of application server instances is obvious in light of the proposed modification of Ramaswamy.

25. Regarding claim 3, Applicant argues:

"In regard to claim 3, contrary to the Examiner's assertion, Ramaswamy and AAPA does not teach or suggest that said creation of a plurality of client-side ORBs and said selection of one of the plurality of client-side ORBs according to a load balancing scheme are performed by a Context Factory class. The Examiner refers to the admitted existence of JNDI and states that it would have been obvious to modify Ramaswamy to include the use of JNDI. However, merely using JNDI in Ramaswamy would not result in the specific limitations recited in claim 3. Therefore, the Examiner has failed to state a prima facie rejection. More specifically, employing JNDI in Ramaswamy would not mean that the clients in Ramaswamy would use a Context Factory class to both create and select among a plurality of client-side ORBs. There is absolutely no evidence of record whatsoever to support the rejection of this claim."

26. Examiner disagrees. An implementation of JNDI involves the use of a Context Factory class to access naming/directory services provided by JNDI. Therefore, one of ordinary skill in the art at the time of the invention would realize that it is inherent for the Context Factory class to be used if Ramaswamy were modified to include the use of JNDI.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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